

1 ||| FILED
2 ||| LODGED

THE HONORABLE BRIAN A. TSUCHIDA

JUN 04 2012

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
JUAN SALAZAR HERNANDEZ and
RICARDO MARTINEZ-PEREZ,
Defendants.

CASE NO. MJ12-293

COMPLAINT for VIOLATION

18 BEFORE, The Honorable Brian A. Tsuchida, United States Magistrate Judge, Seattle,
17 Washington.

COUNT I
(Distribution of Methamphetamine)

On or about January 26, 2012, in King County, within the Western District of Washington, and elsewhere, JUAN SALAZAR HERNANDEZ knowingly and intentionally did distribute methamphetamine, a substance controlled under Schedule II, Title 21, United States Code, Section 812.

24 The Grand Jury further alleges that this offense involved fifty (50) grams or more
25 of actual methamphetamine, its salts, isomers, and salts of its isomers.

26 All in violation of Title 21, United States Code, Sections 841(a)(1) and
27 841(b)(1)(A).

COUNT II
(Alien in Possession of a Firearm)

On or about November 23, 2011, in King County, within the Western District of Washington, and elsewhere, JUAN SALAZAR HERNANDEZ, then being an alien illegally and unlawfully in the United States, possessed in and affecting interstate commerce, a firearm, that is, a Kel-Tec, model PF-9, 9mm handgun, serial number RUS81, which had been shipped and transported in interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(5) and 924(a)(2).

COUNT III
(Felon in Possession of a Firearm)

11 On or about November 23, 2011, in King County, within the Western District of
12 Washington, RICARDO MARTINEZ-PEREZ, having been convicted of a felony on or
13 about May 12, 2010, to wit, the Unlawful Possession of a Firearm in the Second Degree,
14 in the Superior Court for the State of Washington in King County, cause number
15 10-C-02749-8KNT, did knowingly possess in and affecting commerce a firearm, that is, a
16 SKS, 7.62mm semi-assault rifle, serial number 2301102, which had been shipped and
17 transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g) and 924(a)(2).

19 The undersigned complainant being duly sworn states:

20 1. I am a Special Agent ("SA") with the United States Bureau of Alcohol, Tobacco,
21 Firearms and Explosives ("ATF") in Seattle, Washington. I have been employed as an
22 ATF Special Agent since August 15, 2008, and am responsible for enforcing violations of
23 federal firearms and narcotics laws. I have completed the Criminal Investigator Training
24 Program and the ATF Special Agent Basic Training Academy taught at the Federal Law
25 Enforcement Training Center located in Glynco, Georgia, and I have previous training and
26 experience as a Detroit Police Officer. I have served in the United States Army, and I
27 received a Bachelor of Science Degree in Public Safety Administration from Eastern
28 Michigan University in Ypsilanti, Michigan.

1 2. The information in this affidavit is based on my direct knowledge and on
2 information provided to me by other law enforcement sources. This affidavit does not
3 include everything I learned during the investigation, but rather only includes enough
4 information to show probable cause.

5 3. The ATF became involved in this investigation at the request of the Immigration
6 and Customs Enforcement Homeland Security Investigations ("HSI"). HSI contacted ATF
7 and reported that they been investigating Juan Salazar-Hernandez for violations of federal
8 law. This investigation involved controlled buys of narcotics and firearms. The buys were
9 made by an undercover agent and a Confidential Informant. I will refer the undercover
10 agent as "UC", and I will refer the Confidential Informant as "CI." I will refer to both the
11 UC and CI as men regardless of their real gender.

12 4. It is my understanding based on information learned from HSI agents that the CI in
13 this investigation has been providing information to HSI Blaine, Washington regarding
14 drug traffickers operating in King, Skagit and Whatcom counties in Washington State. It
15 is my understanding that the CI has a 2008 felony conviction for the distribution of
16 methamphetamine. The CI has consistently provided timely and accurate information in
17 multiple investigations resulting in more than fifteen arrests, seizure of methamphetamine
18 and heroin, the recovery of multiple firearms and the seizure of drug proceeds. In this
19 investigation, the CI's information has been corroborated through recorded telephone
20 calls, law enforcement surveillance, undercover agent and other witness information. The
21 CI is currently assisting HSI for immigration benefits.

22 5. The CI began providing information to HSI Blaine, Washington regarding drug
23 traffickers operating in King, Skagit and Whatcom counties in Washington State. The CI
24 has consistently provided timely and accurate information in multiple investigations
25 resulting in more than fifteen arrests, seizure of methamphetamine and heroin, the
26 recovery of multiple firearms and the seizure of drug proceeds. In this investigation, the
27 CI's information has been corroborated through recorded telephone calls, law enforcement
28 surveillance and other witness information. The CI is currently assisting HSI for

1 immigration benefits.

2 6. I have been informed by HSI agents that Juan Salazar-Hernandez is a Mexican
3 national in the United States without permission from the United States government.

4 7. I have reviewed a criminal history report for Ricardo Martinez-Perez. Martinez-
5 Perez has a May 12, 2010, felony conviction for Unlawful Possession of a Firearm in the
6 Second Degree in Washington State Superior Court in King County, cause number
7 10-C-02749-8KNT.

8 **The November 23, 2011, Controlled Buy of Firearms From Martinez-Perez and**
9 **Salazar-Hernandez.**

10 8. On November 23, 2011, agents conducted an undercover buy of two firearms from
11 Juan Salazar-Hernandez and Ricardo Martinez-Perez. On that day, at 11:21 a.m., UC and
12 CI placed a phone call to arrange for the purchase of an AK-47 rifle and 9mm handgun
13 from Salazar-Hernandez. During this call, Salazar-Hernandez told the CI to meet him at
14 his friend's house located at 504 K Street SE, Auburn, Washington. Salazar-Hernandez
15 told the CI and UC that he was currently at the 504 K Street house and was in possession
16 of both firearms and ready to sell them. Later, a computer records search identified the
17 504 K Street address as a residence for Martinez-Perez.

18 9. At 12:06 p.m., UC spoke with Salazar-Hernandez over the phone. Salazar-
19 Hernandez agreed to meet the UC and CI at a Burger King parking lot located at 320
20 Auburn Way S. Auburn, Washington at approximately 12:35p.m.

21 10. At 12:54 p.m., the UC and CI met with Salazar-Hernandez and Martinez-Perez
22 (who UC later identified from a booking photo) at the Burger King parking lot.
23 Surveillance officers had observed Salazar-Hernandez and Martinez-Perez arrive on foot
24 from the direction of the 504 K Street house. The UC introduced himself to Salazar-
25 Hernandez and Salazar-Hernandez identified himself as "Juan." The UC subsequently
26 identified both Salazar-Hernandez from a Washington State Driver's license photo and
27 Martinez-Perez from a booking photo.

28 11. The UC walked around to the trunk of his vehicle with Salazar-Hernandez and

1 Martinez-Perez. The UC opened the trunk of the vehicle and Salazar-Hernandez placed a
2 Kel-Tec 9mm handgun in the trunk of UC's vehicle. The UC paid Salazar-Hernandez
3 \$700 for the handgun.

4 12. The UC asked Salazar-Hernandez and Martinez-Perez about the AK-47 rifle.
5 Salazar-Hernandez and Martinez-Perez explained to the UC that they did not bring the
6 AK-47 because it was too large to carry. Salazar-Hernandez and Martinez-Perez
7 suggested to the UC that he drive to a nearby house to pick up the rifle but the UC refused
8 to do so. Salazar-Hernandez and Martinez-Perez eventually agreed to retrieve the AK-47
9 and bring it to the Burger King parking lot. At 12:56 p.m., Salazar-Hernandez and
10 Martinez-Perez departed the area to retrieve the AK-47 rifle. Surveillance officers
11 observed Salazar-Hernandez and Martinez-Perez depart the area and walk in the direction
12 of the 504 K Street house. The UC and CI waited at the Burger King parking lot.

13 13. At 1:13 p.m., Salazar-Hernandez and Martinez-Perez arrived back at the Burger
14 King parking lot in a brown Chevrolet Tahoe bearing Washington license plate 209KXC.
15 The UC observed Martinez-Perez driving the vehicle and Salazar-Hernandez in the
16 passenger seat. Martinez-Perez contacted and greeted the UC. Martinez-Perez then
17 showed the UC a rifle case that was in the back seat of the vehicle. Martinez-Perez
18 opened the rifle case and showed the UC the SKS 7.62mm rifle (an SKS rifle is similar in
19 appearance to an AK-47 and commonly mistaken for one). Salazar-Hernandez, who
20 remained in the passenger seat handed the UC an ammunition magazine for the rifle. The
21 UC paid Martinez-Perez \$800 for the rifle. A later vehicle records check showed the
22 brown Chevrolet Tahoe registered with an address of 504 K Street SE, Auburn
23 Washington.

24 14. ATF Special Agent Heidi Wallace, who is a certified interstate nexus expert in the
25 fields of firearms and ammunition, has determined that the firearms, to wit: a SKS 7.62mm
26 rifle; and a Kel-Tec 9mm handgun, were not manufactured in the state of Washington. As
27 a result, the firearms must have been shipped or transported in interstate or foreign
28 commerce. SA Wallace confirms that each weapon met the definition of a firearm under

1 federal law, as each is designed to expel a projectile by means of an explosion.

2 **The January 26, 2012, Controlled Buy of Methamphetamine From Salazar-**
3 **Hernandez.**

4 15. On January 26, 2012, CI conducted a controlled buy of crystal methamphetamine
5 from Juan Salazar-Hernandez. Salazar-Hernandez arranged the deal by calling the CI and
6 agreeing to sell CI four ounces of methamphetamine for \$1200 per ounce.

7 16. On January 26, 2012, at 7:00 a.m., surveillance officers observed the CI meet with
8 Salazar-Hernandez at a Burger King located at 1520 Supermall Way in Auburn,
9 Washington.

10 17. Surveillance officers observed Salazar-Hernandez meet the CI inside the Burger
11 King and observed Salazar-Hernandez counting money at the table while meeting with the
12 CI. Salazar-Hernandez gave the CI two baggies containing methamphetamine in exchange
13 for \$4800. Surveillance officers observed the CI and Salazar-Hernandez during the entire
14 transaction. Agents took possession of the purchased methamphetamine at the conclusion
15 of the transaction and the substance field tested positive for methamphetamine.

16 18. The Drug Enforcement Administration (DEA) Western Laboratory conducted an
17 analysis of the purchased methamphetamine. The net weight of the methamphetamine was
18 89 grams with a 86.3% purity level.

19 19. Based on the foregoing, I respectfully submit that there is probable cause to believe
20 that Juan Salazar-Hernandez and/or Ricardo Martinez-Perez committed the crimes

21 //

22 //

23 //

24

25

26

27

28

1 described above, and as set forth in Counts 1, 2 and 3 above, incorporated herein by
2 reference.

3

4 ALEXANDER LIWIENSKI, Complainant
5 Special Agent, ATF

6

7 Based on the Complaint and Affidavit sworn to before me and subscribed in my
8 presence, the Court hereby finds that there is probable cause to believe the defendant
9 committed the offense set forth in the Complaint.

10

11 Date this 4 day of June, 2012.

12

13 
14 BRIAN A. TSUCHIDA
15 United States Magistrate Judge